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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/823,011	CHEN ET AL.	
	Examiner Philip J. Sobutka	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS-IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment filed August 6, 2004.
2.  The allowed claim(s) is/are 31.
3.  The drawings filed on 22 June 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
    - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 12172004.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

#### **IN THE SPECIFICATION:**

In paragraph 10, lines 6,7:

delete the phrase "accessing the World Wide Web at the address: http://www.cdh.org, or by "

In paragraph 42, line 6:

replace " sun-channel" with – sub-channel --.

See attached marked up pages 3 and 22.

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance:

Claim 31 is allowed for the reasons presented in Applicant's response filed on August 3, 2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745, the fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Sobutka  
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December 17, 2004

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**

[0007] FIG. 2 illustrates a communication system receiver, for operation in a mobile station and a base station, capable of operating in accordance with various embodiments of the invention;

[0008] FIG. 3 illustrates a flow chart for controlling power level of a communication channel between a mobile station and a base station, capable of having adjusted operating parameters in accordance with various embodiments of the invention; and

[0009] FIG. 4 illustrates a flow chart used for controlling power level of a communication channel between a base station and a mobile station in accordance with various embodiments of the invention.

#### Detailed Description of the Preferred Embodiment(s)

[00010] A system for wireless communications in accordance with the a code division multiple access (CDMA) technique has been disclosed and described in various standards published by the Telecommunication Industry Association (TIA). Such standards include the TIA/EIA-95 standard, TIA/EIA-IS-2000 standard, IMT-2000 standard, and WCDMA standard, all incorporated by reference herein. A copy of the standards may be obtained by ~~accessing the world wide web at the address: http://www.3g.org, or by~~ writing to TIA, Standards and Technology Department, 2500 Wilson Boulevard, Arlington, VA 22201, United States of America. The "3<sup>rd</sup> Generation Partnership Project" (3GPP) is embodied in a set of documents includes Document No. 3G TS

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The adjustment may be based on the duty cycle. By keeping the power ratio the same and adjusting the pilot channel target power level, the amount of power allocated to the communication channel may be controlled. Such a control is based on the determined duty cycle. When the communication channel is between a mobile station 102-104 and a base station 101, the adjusted target power level of the pilot channel may be communicated to the mobile station in communication with base station 101. The communication channel, in this case, and the pilot channel originate from the mobile station.

[00042] In accordance with various embodiments, controlling the power level of the communication channel based on the determined duty cycle may be by adjusting a power level of a power control sub-channel. A power control sub-channel may be used by base station 101 for controlling reverse link channels. In this case, the power control sub-channel originates from the base station 101. Base station 101 transmits power control ~~sub-channel~~ <sup>sub-channel</sup> at a power level with respect to the forward link traffic channel. The power level may be adjustable and fixed in relative to the forward link traffic channel. The mobile stations 102-104 measure the difference between the power levels of the power control sub-channel and the forward link traffic channel. The mobile stations 102-104 use the measured difference in calculation of determining a frame error rate set point. The frame error rate set point is communicated to the base station 101. Base station 101 takes into effect the received frame error rate set point in the power control loop 300 for adjusting the power level of the communication channel.

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